

REMARKS

This Amendment is filed in response to the Office Action filed on September 16, 2004. All objections and rejections are respectfully traversed.

Claims 1-74 are presently pending in this case.

New claims 19-74 were added to better claim the invention.

Claims 1, 6, 7, 11 and 17 have been amended to better claim the invention.

Claim Objections

On page 2 of the Office Action, claims 1, 6, 7, 11 and 17 were objected to due to informalities which were particularly set forth in the Office action. Applicant has made the appropriate corrections as required by the examiner. Applicant's amendment of claims 1, 6, 7, 11 and 17 are believed to obviate those objections.

Claim Rejections – 35 U.S.C. § 112

On page 2 of the Office Action, claim 1 was rejected under 35 U.S.C. § 112 on the grounds that insufficient antecedent basis for limitation “the session group ID” was provided. Amendment of claim 1 is believed to satisfy this objection.

Claim Rejections - 35 U.S.C. § 103

On page 3 of the Office Action, claims 1-3, 6, 7-10 and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U S. Patent 6,449,251 to Awadallah et al. (“Awadallah”) in view of U S. Patent No. 6,598,077 to Primak et al. (“Primak”).

The present invention, as set forth in representative claim 1, which recites:

An intermediate network device for use in a computer network carrying network traffic corresponding to sessions, the intermediate network device comprising:

a traffic scheduler having one or more resources for use in forwarding network traffic received at the device at different rates;

a classification engine configured to identify the received network traffic based upon predefined criteria; and

a resource reservation engine in communicating relationship with the traffic scheduler and the classification engine,

wherein, ***in response to a request to reserve resources for a first session associated with a session group identifier (ID), the resource reservation engine determines whether the session group ID of the first session matches a session group ID of one or more second sessions for which resources have previously been reserved and, if so, directs the traffic scheduler to share the resources reserved for the one or more second sessions with the first session.***

Awadallah discloses a method for providing Quality of service (QoS) through a computer network. The QoS for a traffic flow is enabled by using high priority queues. See col. 4, lines 35-42.

Primak discloses directing requests to a cluster of servers from a source requestor, such that a particular server is selected for a particular source. Subsequent requests by the same source using the same data flow are directed by a session ID to the same server. See col. 8, lines 34-47. For example, a source which logs onto a newspaper web page

and requests a sequence of articles is directed at each request to the same particular server.

That is, Primak discloses a single session, and directs subsequent requests in the single session to the same server. The session ID of Primak serves simply as a “a cookie or some other unique code for identifying the client by the application server.” See col. 8, lines 24-26.

Applicants respectfully urge that neither Awadallah nor Primak teaches a *resource reservation engine* [for determining] *whether the session group ID of the first session matches a session group ID of one or more second sessions for which resources have previously been reserved and, if so,* [directing the] *traffic scheduler to share the resources reserved for the one or more second sessions with the first session.*

The “cookie” disclosed in Primak directs an applicant’s request to a single server. Primak is silent with respect to Applicant’s novel *sharing of the resources reserved for the one or more second sessions with the first session.*

Accordingly, Applicant respectfully urges that Awadallah taken in combination with Primak is legally precluded from rendering the presently claimed invention obvious under 35 U.S.C. § 103 because of the absence in each of the cited patents of Applicant’s claimed *resource reservation engine* [for determining] *whether the session group ID of the first session matches a session group ID of one or more second sessions for which resources have previously been reserved and, if so,* [directing the] *traffic scheduler to share the resources reserved for the one or more second sessions with the first session.*

On page 8 of the Office Action, claims 4, 5, 11-13, 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Awadallah in view of Primak, in further view of U.S. Patent No. 6,744,767 to Chiu ("Chiu").

Applicant respectfully notes that claims 4-5, 11-13, 17 and 18 are dependent from independent claims, and that the independent claims are believed to be in condition for allowance. Accordingly, claims 4-5, 11-13, 17 and 18 are also believed to be in condition for allowance.

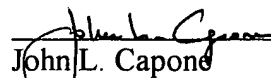
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



John L. Capone
Reg. No. 41,656
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500